



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
NOVEMBER 20, 2008
(Approved as written 12/11/08)**

PRESENT: Craig Francisco, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Frank Bolton; Neal Kurk, Alternate; Dani-Jean Stuart, Alternate; Naomi Bolton, Land Use Coordinator

GUESTS: Art Siciliano, LLS; Bill Tiffany;

I. CALL TO ORDER:

Vice Chairman Craig Francisco called the meeting to order at 7:00 PM at the Weare Town Office Building. Vice Chairman Francisco appointed Neal Kurk as a voting member for tonight's meeting.

II. PUBLIC HEARING:

SHAWN M. & DENISE C. HAWKES & SCOTT BRADY – LOT LINE ADJUSTMENT, RT. 114, BROWN RIDGE RD & GENERAL KNOX RD, TAX MAP 408-184 & 411-154: Vice Chairman Francisco opened this hearing at 7:05 PM. Art Siciliano was present. Mr. Siciliano explained to the board where the property is located on Route 114 and General Knox Road. Frank Bolton questioned the need to have the Brady lot increased to 15 acres because of the 3 unit house, being in the Rural Agricultural zone and requiring 5 acres per dwelling unit, unless it was an accessory apartment. The board proceeded to the checklist to determine if the application is complete. There were waiver requests for building setbacks; proposed well radii; topography; wetlands; and mapping of soil types. George Malette moved to approve the waivers as requested; Neal Kurk seconded the motion, all in favor. George Malette moved to accept the application as complete; Neal Kurk seconded the motion, all in favor. The board agreed that the size of the Brady lot needs to be 15 acres. The only exception would be for an in-law apartment and if the units are rentals the in-law scenario does not work. George Malette moved to approve the lot line adjustment with the final plan showing the lot for Brady in 15 acres and the line should be approximately parallel to the zone line; Frank Bolton seconded the motion. Discussion: Neal Kurk stated that he doesn't like conditional approvals leaving it up to the Chairman to make the final judgment. He didn't think it would be in good policy of the board. Frank Bolton stated that he disagrees in this case. Vote: 4 in favor (Clow; Bolton; Malette and Francisco) and 1 opposed (Kurk). Vice Chairman Francisco closed this hearing at 7:28 PM.

PEGGY TOLL TRUST – SUBDIVISION, TIFFANY HILL ROAD, TAX MAP 404-055 & 404-134: Vice Chairman Francisco stated that this hearing was improperly noticed as the Society for Protection of NH Forests, per State Statute was not notified. The state law states that any easement holder needs to be notified as an abutter. The board also looked at page 4 of the easement deed and the subdivision needs to be sent to the Society for Protection of NH Forests 30 days prior to submitting anything to the Town. There was discussion of the easement deed and some of the restrictions. Art Siciliano stated that he will need to further discuss this with the attorney. George Malette asked about having a discussion on this proposed subdivision, but it would be considered a conceptual with nothing being binding. Both Mr. Siciliano and the board agreed that would be fine.

PEGGY TOLL TRUST – CONCEPTUAL HEARING, TIFFANY HILL ROAD, TAX MAP 404-055 & 404-134: Vice Chairman Francisco opened this hearing at 7:35 PM. Mr. Siciliano showed the board the plan. The board asked questions about the layout and the easement in order to better understand what was going on. Bill Tiffany was present. Mr. Tiffany asked Mr. Siciliano if the corner of the lot towards Shady Hill Road was under Conservation Easement as well. Mr. Siciliano stated that he was not sure and he would have to look into it. Vice Chairman Francisco closed this hearing at 7:40 PM.

Art Siciliano asked about waiving the fees when he re-files and only having to pay to re-notify the abutters. George Malette moved to waive the re-filing fees and have the applicant only pay to re-notify the abutters at the appropriate time; Neal Kurk seconded the motion, all in favor.

III. OTHER BUSINESS:

HIGH ROCK DEVELOPMENT: Art Siciliano was present to go over the final outstanding items for this conditionally approved on April 24, 2008. Mr. Siciliano showed the board the easement plan. At the April 24th meeting there was four words that needed to be added and some notes added to the plan. The board looked at the easement again and the following corrections need to be made for the easement to read clearer. The 3rd paragraph (before #1) should read: “The Property shall be maintained in perpetuity as open space and open to the public without there being conducted thereon any industrial, commercial, excluding forestry, or residential activities. Passive, low impact, non-commercial recreation uses (including hunting and fishing) are permitted, **except where specifically posted.**” Then a new paragraph should be started: “The Property shall be subject to the following restrictions:” (the number 1, 2, 3, etc.). The last correction is under number 2 in the first sentence the word construction should be constructed. After these corrections were agreed upon the easement deed was deemed fine.

NOVEMBER 12, 2008 MINUTES: Neal Kurk moved to approve the minutes of November 12, 2008 as written; Tom Clow seconded the motion. Vote: 3 in favor (Kurk; Clow and Francisco) and 2 abstentions (Bolton and Malette).

NOVEMBER 13, 2008 MINUTES: Tom Clow moved to approve the minutes of November 13, 2008 as written; Chuck Bolton seconded the motion, all in favor.

2009 PROPOSED ZONING AMENDMENTS DISCUSSIONS:

Growth Management Ordinance: Frank Bolton stated that back on March 13, 2008 the Planning Board charged the chairman to appoint a 3 person subcommittee on growth management. The subcommittee shall consider the need for a permanent growth management ordinance and, if it concludes such a need exists, recommend to the Board such an ordinance that will meet the needs of the Town. The subcommittee shall report to the Board at the September 2008 work session. On September 11th the subcommittee presented its findings and in light of the facts and observations found, the subcommittee recommends that the Planning Board proposed a growth management ordinance for adoption at the 2009 Town meeting. If the Board adopts a GMO he believes any further phasing would be subject to this. He thinks the advantage would be that we would not add to the total of the phased lots that have already been approved. There was a sunset provision of 5 years that he felt it was a gray area. His hope would be that as we reach the sunset year we work to improve or revise the GMO to suit our needs. Craig Francisco asked why now. His suggestion would be to get a GMO written the way it should be, sit on it, then present it when we start to get growth that warrant its implementation, rather than do it now. Mr. Bolton responded that he would feel much more secure to adopt it today. Today there is no affect as there is no demand for housing. The only reason he would like to see it now is that the current make up of the board has the ability and have worked through it. His preference is to adopt it now. Neal Kurk stated that if we do it now it would be in fairness to people who might be thinking of subdividing. He also felt that you ought to have your set of rules far in advance so they are not surprised. George Malette pointed out to the board that we really need look at the existing wording and see if we have an issue looming and do we qualify to put a GMO in. Mr. Kurk stated that Mr. Malette is addressing the legal issues and he doesn't look at it that way. Mr. Kurk sated that Mr. Malette has raised an issue about legal and it should be looked at by Town Counsel. The only problem is that we are on a spending freeze until after January 1st. Naomi pointed out that the Town will still need to have Town Counsel look at the zoning articles anyway, money or not. Frank Bolton was reluctant to do anything this evening without Chairman Morin. Naomi stated that what she will do is to post everything, including the GMO and we can discuss it on December 11th and the 18th. The board will consider it at that meeting.

REMINDER OF JOINT WCC MEETING ON MONDAY, NOVEMBER 24, 2008: Naomi reminded everyone that there is a meeting on Monday in the Conservation Room upstairs. We are scheduled to meet at 7 PM. Attorney Jed

Callen is going to be present on behalf of the Conservation Commission for 1 hour.

SMALL WIND ENERGY SYSTEMS: George Malette made a small presentation on the small wind energy systems. Mr. Malette explained that in order to get a return on your investment you need 12 MPH wind. Typically this would be at the seacoast or the in the North Country (White Mountain area). Mr. Malette passed around some photo's to show various systems. Mr. Malette stated that the purpose of this presentation was information and he still is convinced that the model ordinance would suffice for the Town of Weare. Mr. Malette stated that he went through the proposed ordinance and compared it to the new proposed ordinance and colored it blue where the new one differed from the model ordinance. There was a lot of blue on a lot of pages. Mr. Malette stated that again, he felt the model ordinance would cover this, as he didn't think we would be seeing a great deal of these systems in the near future, because the cost of the systems, takes years to get back your investment. This will be discussed again on December 11th.

IV. ADJOURNMENT:

As there was no further business to come before the board, Tom Clow moved to adjourn at 9:20 PM; George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator